

THE HONORABLE JOHN C. COUGHENOUR
NOTING DATE: MAY 5, 2022

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TWIN CITY FIRE INSURANCE)	NO. 2:20-cv-01623-JCC
COMPANY,)	
)	
Plaintiff,)	JOINT MOTION TO CONTINUE CASE
)	MANAGEMENT DATES
v.)	
)	
LUNDBERG, LLC,)	NOTE ON MOTION CALENDAR:
)	MAY 5, 2022
Defendant.)	

MOTION

Pursuant to Fed. R. Civ. P. 6(b) and 16(b)(4), and LCR 16 (b)(6), plaintiff Twin City Fire Insurance Company and defendant Lundberg, LLC (collectively “parties”) stipulate to this Joint Motion for an Order continuing the case management dates assigned to this action in the Order dated December 9, 2021. Dkt. 38.

MEMORANDUM

The parties have previously advised the Court that this insurance coverage case will not be ready for trial until resolution of the underlying action, which is captioned *Packaging Corporation of America v. Lundberg, LLC*, No. 19-2-28930-9 SEA (Wash. Sup. Ct. King Cty.).

At the time of this Court’s issuance of the Order currently in effect that set the trial for this action for December 19, 2022, the trial of the underlying action was set to begin on May 2,

2022. On April 25, 2022, the King County Superior Court issued an order staying all further proceedings in the underlying action pending resolution of plaintiff Packaging Corporation of America's discretionary appeal of the Order granting defendant A.H. Lundberg Systems Ltd.'s Motion for Summary Judgment. The Court of Appeals hearing for whether that court will accept discretionary review is set for June 24, 2022. Thus, the trial in the underlying action would not be reset until a date after that hearing. Accordingly, and due to need to conduct discovery following resolution of the underlying action, the parties respectfully request that trial in this matter be continued and re-set for no earlier than July 24, 2023, and that other deadlines likewise be continued.

The parties respectfully suggest the following changes to the Civil Trial Scheduling Order for this action:

Current Civil Trial Scheduling Order dates	Proposed continued dates
Discovery cutoff: August 19, 2022	March 20, 2023
Mediation completed: April 1, 2022	November 1, 2022
Dispositive motion deadline: September 23, 2022	April 24, 2023
Proposed pretrial order: December 9, 2022	July 10, 2023
Trial briefs and proposed voir dire/jury instructions: December 15, 2022	July 17, 2023
Trial: December 19, 2022	July 24, 2023

The parties note that if the Court of Appeals decides to accept discretionary review, then a further extension of deadlines will be required and sought by the parties.

This motion is brought for good cause as shown herein and not for the purpose of undue delay.

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CONCLUSION

Because the trial of the underlying action is stayed pending resolution of an appeal in that action, and because the parties will need time to conduct discovery and potentially file dispositive motions after the conclusion of the underlying action, the parties jointly respectfully request that this Court issue an order continuing the case management dates assigned to this action to accommodate the litigation of this action.

DATED this 5th day of May 2022.

STIPULATED BY:

GORDON & POLSCER, L.L.C.

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IT IS SO ORDERED:



John C. Coughenour
UNITED STATES DISTRICT JUDGE